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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

NATIONAL URBAN LEAGUE, et al.,

Plaintiffs,

v.

WILBUR L. ROSS, JR., et al.,

Defendants.

CASE NO. 5:20-cv-05799-LHK

**PLAINTIFFS' RESPONSE TO
 DEFENDANTS' MOTION FOR
 PARTIAL RELIEF FROM NON-
 DISPOSITIVE PRETRIAL ORDER OF
 MAGISTRATE JUDGES**

Re: Dkt. Nos. 407, 408, 409

Date: TBD
 Time: TBD
 Place: Courtroom 8
 Judge: Hon. Lucy H. Koh

1 On December 24, 2020, the Magistrate Judge panel ordered Defendants to “produce all of
2 the 2,944 documents that declarant Brian DiGiacomo identified on December 12 as ‘likely
3 subject to Executive privilege’ in ECF 376-2 ¶ 12, unless they were identified in the December
4 21 log and the privilege was not overruled in this order.” Order After *In Camera* Review of
5 Disputed Documents Identified in Government’s December 21 Privilege Log (“Order on
6 Defendants’ December 21 Privilege Log”) (Dkt. 407). On December 26, 2020, Defendants filed
7 a Motion for Relief from Nondispositive Pretrial Order of Magistrate Judges (“Motion for Partial
8 Relief”) (Dkt. 408), asking the Court to reverse the Magistrate Judge panel’s order to produce the
9 2,944 documents because these documents are ostensibly not responsive to Plaintiffs’ discovery
10 requests. Dkt. 408. Shortly thereafter, the Court issued an Order Re: Response to Defendants’
11 Motion for Partial Relief from Non-Dispositive Pretrial Order of Magistrate Judges (“December
12 26 Order”) (Dkt. 409), ordering that (1) the parties meet and confer on the issue and (2) Plaintiffs
13 respond to Defendants’ Motion for Partial Relief by December 28, 2020 at 3 p.m. PT.

14 On December 28, the parties met and conferred for approximately two hours regarding
15 the production of these documents, in addition to other discovery related issues. In an effort to
16 reach resolution of this matter without further Court involvement, Plaintiffs posed several
17 questions related to this set of documents, and Defendants agreed to provide the requested
18 information.

19 Because the parties are continuing to engage in good faith discussions on this issue, the
20 parties have agreed and respectfully propose that Defendants’ motion for relief be held in
21 abeyance (along with the respective portion of the Magistrate Judge panel’s December 24, 2020
22 Order requiring production of this set of documents) until such time as the parties agree to a
23 resolution or have reached impasse requiring Court resolution. Plaintiffs hope to be able to
24 provide the Court a further update at or before the case management conference scheduled for
25 tomorrow, December 29, 2020.

Dated: December 28, 2020

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ATTESTATION

I, Sadik Huseny, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

Dated: December 28, 2020

LATHAM & WATKINS LLP

By: /s/ Sadik Huseny
Sadik Huseny